

upon remains in his hands unsold for want of buyers, or that the defendant has satisfied the plaintiff or his attorney the debt or claim or any part thereof mentioned in the said process, the said plaintiff or his attorney may apply to the said court for a rule on the said sheriff or late sheriff, as the case may be, to bring the said money into court or before a judge thereof on a day to be named in the said rule, or show good cause to the contrary; and upon the failure of the said sheriff or late sheriff to bring into court, or before the said judge at the time mentioned in the said rule, or any other day to be named by the said judge, the amount of the debt, damages, interest and costs to be ascertained by the plaintiff or attorney, or such other proof as the judge may require, the said court or judge in the recess may cause judgment to be entered by the clerk against the said sheriff, for the plaintiff's claim, interest and costs in favor of the plaintiff without stay or execution, and without the right of the defendant to supersede or appeal from the same; provided, that the said court or judge thereof shall be satisfied that the said sheriff has received the said debt, interest and costs, or any part thereof, from the defendant in the said process, and that his said return of process is false and untrue, and that the remedy under this section shall not prejudice the plaintiff's right to proceed by suit against the bond of the sheriff.

An. Code, 1924, sec. 16. 1912, sec. 16. 1904, sec. 16. 1894, ch. 61, sec. 15A.

16. Any sheriff may make one or more returns of the proceeds of sale under any *feri facias*, attachment or *venditioni exponas*, where dispute is known to exist as to the distribution of the proceeds of sale, to the circuit court for his county, or to the court in Baltimore City out of which the process issued, and the court may ratify one of the sheriff's returns, or may reject all returns and remand the same to the sheriff for a further return; provided, that any one aggrieved by the decision of the court in ratifying any return may appeal to the court of appeals as may now be done from any final decree or order in the nature of a final decree from a court of equity.

Executions were issued on two judgments and property sold by sheriff. Earlier judgment given preference under art. 26, sec. 20. See notes thereto. *Messinger v. Eckenrode*, 162 Md. 65.

An. Code, 1924, sec. 17. 1912, sec. 17. 1904, sec. 17. 1888, sec. 16. 1817, ch. 139, sec. 6.

17. The sheriff shall serve and return all writs and process which may be sent from another county or Baltimore City and delivered to him to the court to which the same is returnable, on or before the second day of the session of such court; and if he neglect or fail to do so, it shall be considered a contempt of the court, and such sheriff for such contempt shall forfeit and pay a fine not exceeding fifty dollars.

See art. 75, sec. 171, *et seq.*

An. Code, 1924, sec. 18. 1912, sec. 18. 1904, sec. 18. 1888, sec. 17. 1817, ch. 139, sec. 6.

18. The court imposing the fine for the contempt mentioned in the preceding section shall certify the same to the circuit court for the county where the sheriff resides; or, if he resides in the city of Baltimore, to the superior court of Baltimore City; and upon the receipt of such certificate by the court to which it may be sent, the said court shall forthwith compel the payment of the same in the same manner as if the fine had been imposed by such court.

Cited in *Evans v. Zouck*, 172 Md. 17.